

BILL ANALYSIS

Senate Research Center

S.B. 383
By: Powell
Health & Human Services
6/7/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Nursing and assisted living facilities may advertise that they provide "memory care," which can lead applicants and their families to believe that the facilities are credentialed to provide specialized care for individuals with Alzheimer's. Facilities can receive a license or certification for such care through the Health and Human Services Commission (HHSC) by meeting certain facilities, staffing, and programming requirements.

S.B. 383 updates the Health and Safety Code to require that these facilities provide written notice of whether they hold a licensure or certification from HHSC to offer personal care to residents with Alzheimer's disease.

(Original Author's / Sponsor's Statement of Intent)

S.B. 383 amends current law relating to disclosure requirements of certain facilities that provide care for persons with Alzheimer's disease and related disorders.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 242, Health and Safety Code, by adding Section 242.0405, as follows:

Sec. 242.0405. NOTICE OF ALZHEIMER'S DISEASE AND RELATED DISORDERS CERTIFICATION. (a) Requires a nursing facility advertising, marketing, or otherwise promoting that the facility provides memory care services to prepare a written notice disclosing whether the facility is certified or is not certified under Section 242.040 (Certification of Institutions that Care for Persons With Alzheimer's Disease and Related Disorders) to provide specialized care and treatment for facility residents with Alzheimer's disease and related disorders.

(b) Requires the nursing facility to provide the notice described by Subsection (a) to each facility resident and to each person applying for services from the facility or the person's next of kin or guardian.

(c) Provides that a nursing facility that provides the notice required under Subsection (a) is not required to include the information described by Section 242.202(d)(2) (relating to requiring that the disclosure statement contain information as to whether the institution is certified for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders) in a disclosure statement provided under Section 242.202 (Disclosure Required).

SECTION 2. Amends Subchapter B, Chapter 247, Health and Safety Code, by adding Section 247.0295, as follows:

Sec. 247.0295. NOTICE OF ALZHEIMER'S DISEASE OR RELATED DISORDERS LICENSE CLASSIFICATION. (a) Requires an assisted living facility advertising, marketing, or otherwise promoting that the facility provides memory care services to provide to each facility resident written notice disclosing whether the facility holds a license or does not hold a license classified under Section 247.029 (Facilities for Persons With Alzheimer's Disease) to provide personal care services to residents with Alzheimer's disease or related disorders.

(b) Provides that an assisted living facility that provides the notice required under Subsection (a) is not required under Section 247.026(c-1) (relating to requiring each assisted living facility to include in the facility's consumer disclosure statement certain information) to include in the facility's consumer disclosure statement information on whether the facility holds a license classified under Section 247.029 to provide personal care services to residents with Alzheimer's disease or related disorders.

SECTION 3. Requires the executive commissioner of the Health and Human Services Commission, as soon as practicable after the effective date of this Act, to adopt rules to implement Sections 242.0405 and 247.0295, Health and Safety Code, as added this Act.

SECTION 4. Effective date: September 1, 2021.